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Report on the Jury System  
of the Supreme Bench of  
Baltimore City

Submitted  
by

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for the  
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## I. Introduction

The purpose of this report is to describe the jury system of the Supreme Bench of Baltimore City. The description encompasses the entire jury system, from initial selection to the time that jurors complete their service.

## II. Methodology

The material for this report was gathered through a series of interviews with the jury commissioner for the Supreme Bench. Additionally, discussions were held with the jury clerks and assistant jury clerks, forms used in the processes were examined, and observations were made of the daily assignment system.

## III. Description of the Jury System

The Supreme Bench uses the voter registration lists as its source from which to select persons for jury service. The list, which is maintained by the City's Supervisors of Elections, is on the computerized files of the city's computer. The names of registered voters, approximately 481,000 in 1976, are listed according to the voter serial number that is assigned to a person when he registers. This method of list maintenance is substantially different from most of the other county lists, where the names are organized by wards and districts and alphabetized accordingly within these.

There are three terms of court for the Supreme Bench, from January to May, May to September and September to January.

Three times each year, prior to the beginning of each of these terms, the jury commissioner asks the Supervisors of Elections to supply him with a list of randomly selected names.

If the names are needed for the January term, the request is made in August, and correspondingly for the other terms. The number requested varies between 10,000 and 14,000, depending on the time of year. Because the summer docket is lighter, due to judicial and attorney vacations and due to the fact that civil court rooms are not air-conditioned and must be closed for the summer, only 10,000 names are selected for the summer term. For the other terms, the court in the past has selected approximately 12,000 names, but is expected to increase it this year to between 14,000 and 18,000 on the basis of their expectation of a need for more jurors.

The selection process can be characterized as a one-step method and is as follows:

1. The court determines how many names it needs for the upcoming term. As an example, assume they need 10,000.
2. This number is divided into the number of registered voters to obtain the interval of selection; 10,000 divided into 481,000 results in an interval of 481.
3. The jury judge then randomly selects a number between 1 and 481. This becomes the starting number. Assume it is 100.
4. The interval and starting numbers are then transmitted to the Supervisors of Elections.
5. The Supervisors program their computer to select the 100th name on the list and then every 481st name after that. The result is 10,000 names, systematically selected but meeting the randomness requirements of the Maryland statutes.

The list of names that is produced by the Supervisors is in

the form of a stack of computer cards. These cards are taken to the State Data Processing center where they are compiled into two computer print-out lists. One of the lists has the names filed in the order in which they were selected and its purpose is to insure that the names selected in the various later stages of the jury process are a random selection. The other list has the names recorded in alphabetical order and it serves mainly as a working list for the court to speed the questionnaire analysis process. The computer also prints out address labels on each person. The lists and the labels are then sent to the court where questionnaires are manually prepared and mailed out to all those selected. The results of this mailing process, using one of the terms in 1977 as an example, are as follows:

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|--|-----------|
| 1. Questionnaires mailed out   | 12,120    |
| 2. Questionnaires returned   | N/A       |
| a. percentages of those mailed<br>out that are returned  | N/A       |
| b. Excused - statistics not kept   | N/A       |
| c. Exempt - statistics not kept  | N/A       |
| d. Disqualified - statistics not kept  | N/A       |
| e. Non-qualified (combined total of<br>b,c,d) estimated that 50-60% of<br>those returned are excused,<br>exempted. . . | N/A       |
| f. Qualified - approximately   | 4,000     |
| 3. Non-Forwardable (returned by post<br>office - moved and no forwarding<br>address) approximately                     | 1,000     |
| 4. No response   | 300 - 400 |
| 5. Percentage of those persons returning<br>questionnaires that become qualified                                       | N/A       |

The requirement in Baltimore City is that the juror qualification questionnaires must be returned in ten days. If a questionnaire is not returned, no further action is taken by the court as it is not felt to be cost-effective.

Once the questionnaires are returned, they must be analyzed manually to determine the status of the persons.

After the questionnaire examination and analysis is complete and a determination made of which persons are qualified, the list of qualified persons is sent back to the state data processing center. The names of these qualified persons are placed on a computer in the order in which they were first selected, by means of the ordering supplied by the first computer print-out list, and as many names as are needed by the court are then selected from the list.

On the average, the court selects names from the qualified list five times during a term. Four of these times are for Petit Jurors and the other time is for Grand Jurors. Grand Jurors serve the entire term and each of the four groups of Petit Jurors serve one month of the four month term.

Approximately five weeks prior to the beginning of a term, the Grand Jurors, and the Petit Jurors for the first month, are selected. The selection process is as follows:

1. Grand Jurors are selected first.
2. Based on a randomly chosen starting number selected by the court, twenty-three (23) primary Grand Jurors are selected.
3. Using consecutively higher starting numbers, five (23) member panels of Grand Juror alternates are selected.
4. Petit Jurors are selected next.
5. Using the same procedure as Grand Jurors, as many Petit

Jurors as are felt to be necessary are selected.

- a. For the summer term, eight 25 member primary panels and five alternate panels are drawn. The total number selected is 325 names.
- b. For the other two terms, 11 primary panels and six alternate panels are selected for a total of 425 names.

Once each month after this initial selection process, the Petit Jurors for the upcoming month are selected.

After names are drawn off the qualified list, they are sent to the city's police department and to the court. The court also receives mailing labels. The police department runs a records check on each person selected to attempt to insure that those serving are not ineligible due to past convictions and sends the results to the court. The court, when it receives the list from the data processing center, sends out update letters to all those persons selected, both alternates and primaries. The letter informs the citizens that they have been selected for service and gives them the opportunity to request an exemption, excuse, etc., from service. Most persons are required to show up at the court to argue their case for exemption before the jury commissioner. There is a time limit on excuses of about two weeks from the time of the mailing of the letter. The excuse policy is felt to be a liberal one up to the summoning stage.

The results from the police records checks and the update letter process are that many of the potential jurors have to be excused. The primary jurors that are excused must be replaced by available and qualified alternates. A primary Grand Juror is replaced by selecting a correspondingly numbered Grand Juror alternate. Thus, if the fifth Grand Juror is replaced, he is

replaced by the fifth Grand Juror from alternate list one, and if not that one then the fifth one from alternate list two, etc. Petit Jurors are replaced by moving right down the alternate lists.

Once the primary jurors are replaced, the revision information is sent back to the state data processing center. The center prints up new revised lists and address labels and sends these back to the court.

Summonses are then prepared and sent out. Summonses for Grand Jurors are sent by certified mail. Originally, they were hand delivered by the Sheriff's department at a cost of ten dollars per summons. Summonses for Petit Jurors are still hand delivered by the Sheriff's department at the same cost. The summonsing occurs approximately two weeks prior to the reporting date.

On the first day of service, all jurors, 23 Grand Jurors, 275 Petit Jurors in the winter and fall terms, 200 in the summer term, go through an orientation program. They are given juror handbooks, they are given a briefing by the jury commissioner, they see a film on the courts and they are sworn in by the judge. Usually there are cases scheduled on orientation day so that many jurors have the opportunity to sit on voir dire or a case their first day of service.

Grand Jurors sit two days a week for their four month term of service. Petit Jurors sit five days a week, unless temporarily excused, for their one month term. There is no call-in procedure for Petit Jurors. Because the court has such a massive caseload, 20 courts usually in session, it is reasoned that most of the jurors will be used. However, statistics are not collected to see if this assumption is correct.

Jurors do not assemble in one jury assembly room. The court conducts trials in two buildings and within each of these buildings there is more than one assembly room. The facilities in these rooms do not appear to be adequate. There are plans to renovate the courthouse to provide for one jury assembly room.

When jurors are needed, the individual judge calls up the appropriate assembly room and informs the assembly room clerk as to the number needed. The number requested, though possibly based on objective factors such as the type of case, the number of defendants, etc., is mainly a function of each individual judge, there being no formal policy on juror usage.

One problem that is encountered in the Supreme Bench is that due to the diversity of locations and assembly rooms in the court, jurors occasionally do not come back to the assembly room after voir dire. The commissioner is hoping to alleviate this problem when the planned-for single assembly room is completed by having the various assembly room clerks, who will be freed when there is one room, shepherd the jurors to and from voir dire.

The court does have a procedure in the event that jurors do not report for service or, as in the above case, leave after voir dire. First, the court attempts to contact the person by phone. If this fails or is not persuasive enough, a bench warrant may be issued and the sheriff sent to pick up the person.

In addition to lacking statistics on the selection phase of the jury system, the Supreme Bench lacks statistics on the utilization phase of the jury process and a formal policy on voir dire panel sizes. Even though there are numerous courts operating daily, statistics on juror usage should also be gathered and analyzed to see if the jury pool is of the appropriate size



for maximum utilization. Additionally, the court should consider whether its policy of hand delivering summonses is cost effective. Possibly regular mail could be substituted.

The court should also consider reducing, rather than enlarging the number of persons sent qualification questionnaires. Presently, less than 50 percent of those qualified are selected(1,838 in the fall and winter terms out of a qualified wheel of 4,000). This includes primary and alternate jurors. Thus the court could reduce the number of persons sent questionnaires by 50 percent, with the result being a substantial savings in paperwork and man hours, and still have enough jurors available to meet present demands.

There are parts of the Supreme Bench jury system that function well; the simple selection process, the questionnaire process that recognizes the disadvantage in pursuing non-responses, and the update letter phase. However, there is still room for improvement within the confines of the present system.

